



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,606	02/06/2004	Ki Il Kim	70084-00003	7765
58688 7590 03/21/2008 CONNOLLY BOVE LODGE & HUTZ LLP P.O. BOX 2207 WILMINGTON, DE 19899				
EXAMINER				
TRAN, TUAN A				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,606

Applicant(s)

KIM, KI IL

Examiner

TUAN A. TRAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-122, 127, 131, 134, 136-138, 144, 149, 152 and 156-169 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-122, 127, 131, 134, 136-138, 144, 149, 152 and 156-169 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 79-122, 127, 131, 134, 136-138, 144, 149, 152 and 156-169 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (6,111,604) in view of Tendler (5,555,286) & Broady (5,495,288) and further in view of Cheng (5,957,718).

Regarding claims 79-122, 127, 131, 134, 136-138, 144, 149, 152 and 156-169, Hashimoto discloses a portable handheld multimedia recorder/player/cellular telephone apparatus (See figs. 1A, 1B, 8) comprising: a microcontroller; memory including built-in memory and replaceable interactive memory card for storing audio/video contents wherein the audio/video contents comprises sounds (i.e. music), still images (i.e. picture), combined sound with moving images (video); means for recording and playback from the memory the audio/video contents, wherein means for recording comprises audio recorder including microphone, video recorder including camera; speaker, display, control buttons (playback device is widely known in the art to comprise volume control such as up/down or muting, forward, reverse, pause, etc.) for audio/video playback functions; card socket for receiving, securing and removing the replaceable interactive memory card; means for uploading/downloading (import/export)

audio/video contents to/from external systems (i.e. PC or camera or telephones) via wired/wireless connections by utilizing integrated wired/wireless transceivers such as cellular telephone (cellular phone is widely known in the art to have different settings for indicating incoming such as vibration, ring tones, or silent) (See figs. 1A, 1B, 8-16 and col. 3 line 43 to col. 4 line 47, col. 6 line 17 to col. 10 line 40). However, Hashimoto does not explicitly mention that the apparatus further comprises: remote wired microphone (i.e. electronic stethoscope), remote wired headset, a radio, a satellite phone, a GPS device and the external system is Internet; means for recording and transmitting stored recorded content (by dialing a pre-stored number) including GPS information to external devices based upon activations of sensors such as motion, sound, or smoke sensor, or remote activation signals; and the socket and card configurations as recited in claims. Since Hashimoto does suggest that the apparatus is capable to import/export contents to and from various types of electronic systems and or devices; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the apparatus with a remote wired microphone, a remote wired headset, a radio, a satellite phone, a GPS device, and/or Internet upload/download capability for the advantage of expanding the capability of the apparatus to accommodate various user intended uses. Further, since the concept of activating a system or device to record/transmit stored content including GPS information to a predetermined external system or device (by dialing a pre-loaded number) based upon activations of sensors such as motion sensor or remote activation signals is known in the art as taught by Tendler (See fig. 1 and col. 5 line 50 to col. 8

line 14) and Broady (See fig. 1 and col. 2 line 34 to col. 3 line 60); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the concept of Tendler & Broady in modifying the apparatus, as disclosed by Hashimoto, with such activation means (i.e. with smoke, motion, or sound sensor) for the advantage of allowing user to remotely control the device as well as providing various means of automatically activation for the system. Finally, since Cheng teaches a device for receiving memory card of a portable communication device with the socket and card configurations as recited in claims (See figs. 1, 4-7 and col. 2 line 35 to col. 3 line 58); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Cheng in modifying the replaceable interactive memory card with its card socket for the advantage of preventing incorrect insertion of the memory card as well as allowing user to judge whether the card is going to be inserted correctly or incorrectly based on the corner-cut of the memory card.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

The applicant argued that Hashimoto does not disclose "a portable handheld multimedia recorder/player/cellular telephone apparatus" by "providing a cell phone within a portable mobile entertainment and information apparatus of handheld size and weight" (See remark, page 20-21). The examiner respectfully disagrees with the applicant's argument. The limitation "**within**" is not in claims. The limitation

"**comprising**" as recited in claims is not narrow enough to prevent the portable handheld multimedia recorder/player, as disclosed by Hashimoto, from being coupled to a cellular telephone. For that reason, Hashimoto does disclose a portable handheld multimedia recorder/player/cellular telephone apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN A. TRAN whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/773,606

Page 6

Art Unit: 2618

/Tuan A Tran/

Primary Examiner, Art Unit 2618

March 15, 2008